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09/866,878	05/30/2001	John L. Coker	SIEB017/01US	4488

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EXAMINER

NGUYEN BA, HOANG VU A

ART UNIT

PAPER NUMBER

2122

DATE MAILED: 01/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application N .	Applicant(s)	S OT
	09/866,878	COKER ET AL.	
	Examiner	Art Unit	
	Hoang-Vu A Nguyen-Ba	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 October 2002.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-31 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-31 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on 29 October 2002 is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

1. This action is responsive to the amendment filed October 29, 2002.
2. Per Applicants' request, claims 1-20 and 22 have been amended; new claims 23-31 have been added.
3. In view of the proposed amendments to the drawings, filed October 29, 2002, to correct various informalities without adding new matter, the objection to these drawings are hereby withdrawn.
4. In view of the proposed amendments to the Title and the Abstract, the objection to these items is hereby withdrawn.
5. In view of the proposed amendments to claims 1-22 to correct various informalities, the objection to these claims is hereby withdrawn.
6. In view of the proposed amendments to claims 15, 16 and 22 to correct identified lack of antecedent basis of various terms, the rejection of these claims under 35 U.S.C. § 112, second paragraph, is hereby withdrawn.
7. Claims 1-31 are pending in this application.

### *Response to Arguments*

8. Applicant's arguments filed October 29, 2002 have been fully considered but they are not persuasive. The rejection of claims 1-22 under 35 U.S.C. § 102(e) as being anticipated by Anderson et al. ("Anderson") is herein maintained. Following is the examiner's response to Applicants' arguments.

With respect to claim 1, Applicants have argued that a rejection of this claim under 35 U.S.C. § 102(e) as being anticipated by Anderson is not proper where a

reference fails to teach all recited features of the claim, and that Anderson appears to teach little more than a set of prioritized questions.

In response, the examiner has indicated in the Office action that Anderson discloses at least the features (e.g., among other features) recited in claim 1. Thus, the examiner maintains that the use of Anderson is proper for a rejection of claim 1 under 35 U.S.C. § 102(e) because all the features recited in claim 1 read on Anderson.

Furthermore, Applicants have also argued that for at least the reason Anderson fails to disclose “Pages” having the feature of branching as recited in claim 1, claim 1 contains patentable subject matter.

In response, it is noted that the U.S. Court of Customs and Patent Appeals has held that claims are to be given their broadest reasonable interpretation during the prosecution of a patent application. In re Pearson 494 F.2d 1399, 1403, 181 USPQ 641, (CCPA 11974). In this instance, it should be noted that Anderson’s script (Abstract, line 9, cited by the Office action), which corresponds to the selected domain, is being defined in Anderson’s specification as “a collection of potential questions associated with index categories within a domain” (10:50-51). It is further noted that a domain, e.g., Restaurants 315a or Automobiles 315b (see Figure 3), has branching means to Index Categories “Cuisine,” “Operating Hours,” which also branches to various options under a column labeled “Terms.” Thus, the recited feature “said script comprises a hierarchical set of structured pages” of instant claim 1

does read on Anderson's script comprising domains, index categories, terms.

Therefore, the recited feature of instant claim 1 is not patentable subject matter.

Moreover, Applicants have asserted that for at least the reason that Anderson fails to disclose a response based on "user responses" and combinations thereof, as recited in claim 1, claim 1 is patentable subject matter. Specifically, Applicants have argued that the feature "user responses causing the system to either (i) link to an associated database, or (ii) link to another question in the script" is in sharp contrast to the teachings of Anderson, which rely on a system response (retrieving data and comparing to a threshold) to select a next question from the prioritized set of questions.

In response, Applicants' attention is directed to Figure 6B (cited in the Office action), where it is shown that in response to user' selection of a term in the index category (step 655), a query set including the selected term (step 660) is sent to a database for searching (step 665). The examiner finds that Applicants' "user responses causing the system to link to an associated database" reads on Anderson's step 665.

Applicants have further asserted that since there is a lack of suggestion or motivation to modify the cited reference, claim 1 is not obvious in view of Anderson.

In response, it is noted that applicants' argument is moot in view of the above discussion regarding the 102(e) rejection of claims 1-22.

With respect to claims 2-14, Applicants have submitted that for at least the reason they depend from allowable claim 1, these claims contain patentable subject matter in addition to their recited features.

In response, it is noted that for at least the same reason discussed in the examiner's response to Applicants' remark regarding claim 1, the rejection of these claims is maintained.

With respect to claims 16 and 17-22, Applicants have submitted that they contain patentable subject matter for at least reasons similar to claim 1.

In response, it is noted that for at least the same reason discussed in the examiner's response to Applicants' remark regarding claim 1, the rejection of these claims is maintained.

In view of the foregoing discussion, the rejection of claims 1-22 under 35 U.S.C. § 102(e) as being anticipated by Anderson et al. ("Anderson") is herein maintained

### *Claim Objections*

9. Claim 28 is objected to because of the following informalities: the term "and" at the end of the limitation at line 4 should be deleted. Appropriate correction is required.

*Claim Rejections - 35 USC § 112*

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 26 recites the limitation "the first linked first plurality of questions" at line 3. There is insufficient antecedent basis for this limitation in the claim.

*Claim Rejections – 35 USC § 102*

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in–  
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or  
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1-22 are rejected under 35 U.S.C. § 102(e) as being anticipated by

Anderson et al. (« Anderson »), Dynamically Processing an Index To Create an Ordered Set of Questions, U.S. Patent No. 5,878,423, 03/1999, 379/88.17.

### **Claim 1**

Anderson discloses at least:

- a) *said script comprises a hierarchical set of structured pages* (see at least Abstract, line 9; Figure 3, items 315a, 315b, and related discussion to “domains” in the specification),
- b) *at least one of said one or more pages comprising a structured set of questions* (see at least Figure 3, items 310a-d listed under “Index Categories” and related discussion to “Index Categories” in the specification),
- c) *at least one of said questions having user responses* (see at least Figure 6B, blocks 650, 655, 660 and related discussion in the specification), and
  - d) *at least one of said user responses causing the system to either*
    - (i) *link to an associate database* (see at least Figure 6B, block 665 and related discussion in the specification), or
    - (ii) *link to another question in the script* (see at least Figure 6B, blocks 670, 675 and related discussion in the specification).

### **Claims 2, 13 and 21**

Anderson does not specifically disclose that *said reusable components comprise objects, data, public functions, and private functions, and wherein said public functions can be accessed through derived classes of objects*. However, it is well known in the art that routines, subroutines, functions, global variables and local variables accessing through calls are equivalent to methods, public and private function calls in an object-oriented

programming environment. Therefore the same rationale for rejection as discussed below in claims 3 and 14 is applied.

### **Claims 3 and 14**

Anderson does not specifically disclose that *said reusable components comprise routines, subroutines, and functions, pass through global variables to local variables therein, and are accessed through calls*. However, Anderson teaches that domains and index categories are reusable components of a relational database that can be accessed remotely using the HTTP protocol (see at least Figure 2 and related discussion to in the specification). And since it is well known in the art that in order to provide database access via WAN/Internet from remote computers that are of different hardware platform, object-oriented relational database and open database connectivity (ODBC) are needed. Hence, objects, data, public functions, private functions, which are programming components of object-oriented programming, are deemed to be inherent to the teaching of Anderson because without the use of object-oriented design, Anderson's system would not be efficiently operable in WAN/Internet environment.

### **Claims 4 and 17**

Anderson further discloses that *said link to an associated database is a query* (see at least Figure 6B, block 665 and related discussion in the specification).

### **Claims 5, 10 and 18**

Anderson further discloses that *the output of the database is a link to another question in the script* (see at least Figure 6B, output of block 670 to block 675, and related discussion in the specification).

### **Claims 6, 11 and 19**

Anderson further discloses that *the output of the database is data related to the interaction* (see at least Figure 5, block 555; Figure 6B, blocks 675, 680 and related discussion in the specification).

### **Claims 7, 12 and 20**

Anderson further discloses that *the link to another question in the script is a link to another question in another page in the script* (see at least 6B, output of block 675 to input to block 645 of Figure 6A and related discussion in the specification; note that the instant's *another page* is interpreted to mean another Anderson's index category).

### **Claim 8**

Anderson further discloses that *computer program code causes the system to:*

- a) *present a question to a user* (see at least Figure 5, block 540; Figure 6B, block 650 and related discussion to in the specification);
- b) *receive a response from the user* (see at least Figure 5, block 545 Figure 6B, block 655 and related discussion in the specification);
- c) *branch to link to*
  - i) *the associated database* (see at least Figure 5, block 550; Figure 6B, 665 and related discussion in the specification) or
  - ii) *to another question in response to the user's response to the question* (see at least Figure 6B, output of block 675 which loops back to block 650 via block 645 in Figure 6A and related discussion in the specification).

### **Claim 9**

Anderson further discloses that the computer program code *causes a query of the associated database* (see at least Figure 5, block 550; Figure 6B, block 665 and related discussion in the specification).

### **Claims 15 and 22**

Anderson further discloses that the system *is configured to verify one or more of the absence of unreachable pages, unreachable questions, and missing answer branches, and the presence of pages called by the script and translations* (see at least Figure 5, blocks 530, 535; Figure 6A, blocks 630, 635; Figure 6B, blocks 630, 635; and related discussion in the specification).

### **Claim 16**

Claim 16 is an independent claim containing features similar to those in claims 1 and 8. As a result, this claim is rejected as anticipated by Anderson for the same reasons.

### **Claim 23**

Anderson discloses at least a system comprising:

*an interface to a server having a database of information* (see at least Figure 4, block 33 and related discussion in the specification); and

*a client coupled to the interface to the server for access to the database, the client configured to present a first question to a user, present a second question in response to a first answer from the user in response to the first question, and present a third question in response to a second answer from the user in response to the first question* (see at least Figure 3 and related discussion in the specification; it is noted that the first question could be “Restaurants

or Automobiles?” the second question could be “Which type of cuisine?” in response to user’ answer “Restaurants”, the third question could be “More about Available Amenities?” in response to second answer, e.g., “American”).

#### **Claim 24**

Anderson further discloses that *the client is further configured to send at least one of the first answer and the second answer to the interface to the server* (see at least 20:51-21:7).

#### **Claim 25**

Anderson discloses a method comprising at least:

*linking a first answer and a second answer to a first question* (see at least Figure 3 and related discussion in the specification; see also discussion in claim 23 above);

*linking the first answer to a second question* (see at least Figure 3 and related discussion in the specification; see also discussion in claim 23 above);

*linking the second answer to a third question* (see at least Figure 3 and related discussion in the specification; see also discussion in claim 23 above);

*presenting the first question to a user* (see at least Figure 3 and related discussion in the specification; see also discussion in claim 23 above);

*presenting the second question to the user if the user responds with the first answer* (see at least Figure 3 and related discussion in the specification; see also discussion in claim 23 above); *and*

*presenting the third question to the user if the user responds with the second answer* (see at least Figure 3 and related discussion in the specification; see also discussion in claim 23 above).

**Claim 26**

Anderson discloses at least a method comprising:

*linking a first plurality of questions based on a first plurality of user choices in response to each of the first linked first plurality of questions* (see at least Figure 3, blocks 315a-b being linked to blocks 310a-d and related discussion in the specification);

*grouping the linked first plurality of questions into a first page* (see at least Figure 3, blocks 315a-b and related discussion in the specification; e.g., “Restaurants?” and “Automobiles?” grouped into “Domains”); and

*presenting the first page to a user* (see at least Figure 4, block 26; Figure 5, block 505 and related discussion in the specification).

**Claim 27**

The rejection of claim 26 is incorporated. Anderson further discloses:

*receiving a user selection indicating one of the first plurality of user choices in response to a corresponding one of the linked first plurality of questions* (see at least Figure 3, block 34 and related discussion in the specification; 21:1-7; 21:33-67); and

*promoting the interactive dialog to another one of the linked first plurality of questions based on the user selection* (see at least Figure 4, block 35 and related discussion in the specification; 22:9-67; 23:1-49).

**Claim 28**

The rejection of claim 26 is incorporated. Claim 28 recites similar features of claim 26 and 27; therefore, the same rejections are applied.

14. Claims 29-31 are rejected under 35 U.S.C. § 102(e) as being anticipated by Zeanah et al. (“Zeanah”), U.S. Patent No. 5,933,816.

### **Claim 29**

Zeanah discloses at least:

*creating a plurality of questions* (see at least 13:13-63; 17:42-18:38);

*creating a plurality of answers associated with each of the plurality of questions* (see at least 13:13-63; 17:42-18:38);

*storing the plurality of questions and the plurality of answers in at least one table* (see at least 17:42-18:38; 19:18-35);

*building at least one page, wherein building the at least one page includes:*

*selecting a first question from the stored plurality of questions* (see at least 13:13-63; 17:42-18:38);

*selecting one of the stored plurality of answers corresponding to the first question* (see at least 13:13-63; 17:42-18:38);

*selecting a second question from the stored plurality of questions* (see at least 13:13-63; 17:42-18:38);

*defining a link between the one of the stored plurality of answers corresponding to the first question and the second question, wherein the first question and the second question are to be presented to a user together* (see at least 13:13-63; 18:39-19:35) and

*selecting a style from a predetermined set of style options in order to define a visual appearance of the at least one page* (see at least 7:24-60; 13:13-63).

**Claim 30**

Zeanah further discloses:

*creating at least one translation for each of the stored plurality of questions and each of the stored plurality of answers (see at least 13:13-63); and*

*storing the at least one translation in the at least one table (see at least 13:13-63).*

**Claim 31**

Zeanah further discloses *defining a second script using the at least one page and a third question from the stored plurality of questions (see at least 13:13-63; 17:42-18:38).*

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Bentwich teaches Interactive Application Generation and text Processing, U.S. Patent No. 6,289,513.

b. Jawahar et al. teaches Method and Apparatus for Monitoring Information Access, us 6,256,620.

c. Bixler et al. teaches Electronic Classified Advertising Interface Method and Instructions with Continuous search Notification, U.S. Patent No. 5,745,882.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Hoang-Vu "Antony" Nguyen-Ba, whose telephone number is (703) 305-0103. The examiner can normally be reached on Monday - Thursday from 6:30 – 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached at (703) 308-4789.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

## Important Fax Numbers:

After Final Amendment (703) 746-7238

Official Fax Number	(703) 746-7239
Customer Service	(703) 746-7240
Examiner's Fax Number	(703) 746-5426



Hoang-Vu Antony Nguyen-Ba

December 31, 2002